

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JERMAINE CANTRAL BOUIE, a/k/a  
JERMAINE CANTRELL BLACK,

Defendant-Appellant.

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UNPUBLISHED

October 11, 2002

No. 232963

Kent Circuit Court

LC No. 00-003904-FC

Before: Fitzgerald, P.J., and Holbrook, Jr. and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals as of right his enhanced sentence as a second-offense habitual offender, MCL 769.10, following his jury trial conviction of assault with intent to do great bodily harm less than murder, MCL 750.84. We affirm.

Defendant argues that the trial court erred in sentencing him as a second-offense habitual offender because the prosecutor failed to timely file a notice of intent to seek sentence enhancement. We disagree. This Court reviews de novo as a question of law the issue whether the prosecutor satisfied the statutory requirements regarding enhanced sentencing for habitual offenders. See *People v Sierb*, 456 Mich 519, 522; 581 NW2d 219 (1998).

MCL 769.13(1) provides that a prosecutor may seek an enhanced sentence by filing a written notice of intent to do so within twenty-one days after arraignment or, if arraignment is waived, within twenty-one days after filing the information charging the underlying offense. Defendant claims that such notice was not filed. However, the prosecutor's habitual notice was included in the felony complaint and the felony warrant, both of which stated:

Take notice that the defendant, JERMAINE CANTRAL BOUIE, was previously convicted of a felony or an attempt to commit a felony in that on or about 10/29/97, he or she was convicted in the CIRCUIT Court for the COUNTY OF KENT, State of MICHIGAN, for the offense of R & C O/100, File No. 97-09396-FH. Therefore, defendant is subject to the penalties provided by MCL 769.10; MSA 28.1082. [769.10] PENALTY: LIFE

Thereafter, defendant waived circuit court arraignment and acknowledged by his signature that he received and read the information and understood the substance of the charges. The

information filed in the circuit court included the same notice of intent to seek enhancement that was contained in the complaint and warrant. See *People v Morales*, 240 Mich App 571, 583; 618 NW2d 10 (2000) (“the prosecutor is no longer required to file a supplemental information”). Consequently, the prosecutor complied with the notice requirements of MCL 769.13(1) and defendant’s claim is without merit.

Affirmed.

/s/ E. Thomas Fitzgerald  
/s/ Donald E. Holbrook, Jr.  
/s/ Mark J. Cavanagh